

**Wednesday, August 28, 2019**

**Minutes of the Public Hearing held on Wednesday, August 28, 2019 in the boardroom of the Comox Valley Regional District offices located at 550B Comox Road, Courtenay, BC commencing at 7:00 pm.**

## **MINUTES**

### **Present:**

<b>Chair:</b>	E. Grieve	Puntledge/Black Creek (Area 'C')
<b>Director:</b>	D. Arbour	Baynes Sound-Denman/Hornby Islands (Area 'A')
	A. Hamir	Lazo North (Area 'B')
<b>Staff:</b>	S. Smith	General Manager of Planning and Development Services
	J. Martens	Manager of Legislative Services
	T. Trieu	Manager of Planning Services
	A. Mullaly	Senior Manager of Sustainability and GIS
	A. Baldwin	Legislative Services Assistant

### **RECOGNITION OF TRADITIONAL TERRITORIES**

The Chair acknowledged that the meeting was being held on the unceded traditional territory of the K'ómoks First Nation.

### **OPENING REMARKS BY THE CHAIR**

Chair Grieve read a prepared statement regarding the public hearing procedures.

Approximatey 30 members of the public were present for this public hearing.

### **INTRODUCTION OF THE APPLICATION**

T. Trieu, Manager of Planning Services, presented information regarding Bylaw No. 520 and provided a brief description of the written submissions that were received.

The following material was provided for information regarding the Comox Valley Zoning Bylaw No. 520, 2019:

- Comox Valley Zoning Bylaw No. 520, 2019;
- Staff reports dated June 6, 2019 and July 11, 2019;
- Agency referrals and responses;

- Excerpts from the minutes of the Electoral Areas Services Committee meetings, the Comox Valley Regional District Board meetings and the Advisory Planning Commission meetings; and

- The public hearing notice for publication in the local newspaper on August 20th and 22nd 2019.

### **WRITTEN SUBMISSIONS RECEIVED**

Written submissions received pertaining to the Comox Valley Zoning Bylaw No. 520, 2019 review prior to the public hearing.

Written submission received pertaining to the Comox Valley Zoning Bylaw No. 520, 2019 review at the public hearing.

### **REPRESENTATIONS FROM THE PUBLIC**

Chair Grieve called for speakers regarding Bylaw No. 520.

Grant Gordon, Area C, and part of the Area C Advisory Planning Commission. Mr. Gordon remarked that zoning bylaws have unintended consequences. Mr. Gordon spoke about a houseboat on Comox Lake that was full of water, fuel, sewerage etc. and instead of pulling the boat out of the water and billing the owner a bylaw was put in place to restrict people from living in RVs on rural properties or in houseboats on the water. Mr. Grant remarked that people thought the bylaws were good for taking care of sewerage issues, but it added to the homelessness issue. Mr. Gordon described coming to the valley in the 70s being homeless and living in various places like milk sheds and barns and eventually finding a job and contributing to the community. Mr. Gordon remarked that, regardless of what VIHA says, it is healthier to live in a tent/RV on a rural property than in a tent next to a sewerage lift station. Mr. Gordon further commented that this hearing is about regulations and it is reducing the ability to live in tents or RVs on larger rural properties where it shouldn't matter. If you live in a van beside a house, you would use the washroom, but if you live on a larger area, you may have an outhouse, which VIHA doesn't like. Mr. Gordon further spoke against abolishing rural/outdoor kitchens as it makes it harder to survive. Mr. Gordon remarked that these regulations make living costs high and people need help. Mr. Gordon further spoke against water bottling and that he is in support of the zoning bylaw with reservations.

Bruce Gibbons, Area C, remarked that he attended an open house to review the changes to the bylaw and was impressed by the enthusiasm and knowledge of staff. Mr. Gibbons said he doesn't agree with all the changes that were made to the bylaw, but is encouraged to see that the regional district is attempting to be proactive to improving some of the language in the bylaws, reacting to changing times and changing environments. Mr. Gibbons spoke in support of water bottling being prohibited in any zone and commended the regional district for taking this step to help protect the water in the valley. Mr. Gibbons said that water is coming under threat from numerous sources and water bottling for commercial sale and/or export is a travesty. Mr. Gibbons spoke against allowing anyone to bottle and sell ground water for profit at the expense of thousands of people who rely on the Comox Valley aquifer as their only source of water. Mr. Gibbons applauded the regional district for taking this initiative to add this measure of protection.

Kristy Bell, Area B, described an incident where her family was having a BBQ with non-loud music playing and her daughter and step-dad playing games in their back yard. Her daughter was told by the neighbour that she could not play her game anymore. When Ms. Bell spoke to her neighbour she was told that persistent noise is not permitted under the bylaw at any time. Ms. Bell remarked that when she looked at the bylaws, she was taken aback by how restrictive the bylaws are. Ms. Bell encouraged the CVRD as they move forward to be mindful that bylaws have unintended consequences and she hopes that other bylaws would be reviewed with this in mind too. Ms. Bell further remarked that she is in support of restrictions against water bottling.

Megan Hanacek, professional forester and biologist and CEO of the Private Forest Landowners Association. Ms. Hanacek said this matter was brought to her attention by members of the association who reside on or overlap the lands that are being reviewed under the zoning bylaw. Ms. Hanacek referred to changes regarding dwellings as an accessory use with silviculture activity and said that the definition of silviculture in the proposed bylaw is incorrect. It is too vague and includes forest harvesting. Silviculture in forest management includes the health of a stand and does not include a harvest, but they may do some salvage or remove diseased trees. Ms. Hanacek remarked that she does not understand how it would be decided that someone is doing silviculture, whether it would mean harvesting one stand per ha every so many years or maintaining the forest in a healthy state; there is a lack of clarity. Ms. Hanacek expressed concern regarding paramountcy and hopes that the provincial legislation would override the zoning bylaw. Ms. Hanacek commended the CVRD for undertaking the comprehensive review and trying to maintain the integrity of resource lands, but said it needs further definition to avoid confusion around whether someone is doing silviculture or not. Ms. Hanacek stated that the Private Forest Landowners Association is a proponent of bringing people into the managed forest program, which has its own regulations. Ms. Hanacek remarked that the proposed bylaw creates confusion over what is happening in silviculture within the forest management program.

Gillian Anderson, Area C, read a prepared statement dated August 28, 2019 attached as a written submission received at the public hearing.

Judy Goldschmidt, resident of Courtenay and representative of the Mid-Island Farmers' Institute. Ms. Goldschmidt said that the Mid-Island Farmers' Institute continues to support changes in the bylaw that prohibits water bottling in all zones. Ms. Goldschmidt spoke about groundwater being critical to the health of rivers, streams and fish stocks, especially salmon runs. Access to groundwater is also crucial for agriculture. Ms. Goldschmidt stated that we need to be mindful of our ability to successfully manage all water resources for the sustainability of our food production.

Chair Grieve called a second time for speakers regarding Bylaw No. 520.

Marci Remington, Comox Valley resident for over 30 years, remarked that she is one of the people affected by the housing crisis. Ms. Remington stated that last year she lived in an RV in the Strathcona Regional District and was forced into another unstable housing situation because of bylaws enacted by the ALC clamping down on people living in RVs. Ms. Remington further remarked that people do not have any choice because of the low vacancy rate and high rent. Ms. Remington spoke about hundreds of people living in non-

conforming housing on acreages, some within the ALC, and that this should be looked at, especially as the needs assessment is coming up. Ms. Remington remarked that all these people could be displaced if these bylaws are enforced and that the people who have nowhere to live are being penalized. Currently these people are working in the community, but cannot find anywhere to live. They are living in hiding and in fear of ALC/bylaw officials showing up. Ms. Remington stated that the landlords are aware of the penalties that could be imposed upon them. Ms. Remington commented that when she was told to leave the last property, it was a take-down between the regional district, VIHA and the ALC. She was told she could not live in an RV because it was not safe. She could not live in her van either or camp anywhere because it was against a bylaw. Ms. Remington remarked that the more bylaws are imposed on her and people like her it reduces their rights and imposes on their human rights. Ms. Remington further stated that she is in support of not allowing water bottling

Chair Grieve called a third time for speakers regarding Bylaw No. 520.

Diane Bostock, Area C, remarked that when they moved here all they needed to live on their own property was to have septic and flooring in the kitchen and bathroom. Since then permits were introduced. Ms. Bostock spoke about having to buy a land with a much larger down payment than in the past, having to take out permits every step of the way, post a \$5,000 bond as well as having an onsite sewerage disposal system. Ms. Bostock said when she spoke to the planners about this, they said it was a VIHA problem because they don't recognize composting toilets/outhouses as a reasonable alternative. Ms. Bostock encouraged the planners to read a book called "Dancing in Gumboots" which has a chapter on the many people coming to the valley and living anywhere they could. To her knowledge all these people are now landowners, live in the community and are well educated. Ms. Bostock remarked that if we end up with only rich people being able to live here, we would be poorer for it and would have some sort of monoculture. Ms. Bostock further spoke in support of having kitchens in shops, greenhouses and studios and said the wording in the bylaw needs to be re-worked. Ms. Bostock remarked that it sounds like any kind of sink is being eliminated. Ms. Bostock further spoke against water bottling for profit. She believes that it is not just the people living here and wildlife here that is going to need water, but in a place like this we are going to have water refugees and we need to keep the water for our community.

The chair reminded those in attendance that written comments should be placed in the comment box prior to the termination of the public hearing.

The chair called a fourth time for speakers regarding Bylaw No. 520.

Eve Souki, Area C, remarked that she has seen a lot of young people come through her property wanting to live on the land who were not financially capable. Ms. Souki spoke against the idea that someone, somewhere in some office is making decisions on her generosity. She pays taxes, pay her bills and insurance. Ms. Souki spoke about people being down on their luck and that someone who is not exposed to the reality out there is making decisions for her who has worked for 20 years and wants to help people. Ms. Souki spoke about an event where they were told by VIHA that they could not have a composting toilet and were told to install a chemical toilet, which they did and it stunk within one day. Ms. Souki remarked that there are a lot of people out there who have not even heard about the people making the decisions. Ms. Souki spoke about landowners taking on the responsibility for the people through their insurance, time and effort on their land and the people should be asked for their opinions, not someone who has no exposure

to the reality of these people's lives. Ms. Souki said she will educate herself as to what and why these things are going down the way they are, who is pushing all these changes and why. Ms. Souki remarked that it is not for the health and wellbeing of people. Ms. Souki stated that people are better off living in an RV with landowners who pay their insurance and that she has enough room in her heart to help people.

### **QUESTIONS FROM DIRECTORS**

In response to a question from Director Hamir regarding changes to the definition of silviculture, CVRD staff confirmed that the definition for silviculture in the proposed bylaw is the same as the definition in the current bylaw. CVRD staff also confirmed that the Private Managed Forest Land Act supersedes the Local Government Act. It was further confirmed that the purpose of creating this regulation in the Upland Resource and SWR zones is to support the working landscape and to reduce the interface between the working landscape of the forest companies and residential use.

In response to a question from Director Hamir regarding restricting housing on forested land, Megan Hanacek advised that they are still trying to understand how the process would work if someone approached the CVRD with paramountcy with regard to a dwelling and doing silviculture.

In response to a question from Director Arbour regarding composting toilets, CVRD staff confirmed that the bylaw review considers land use, which does not include composting toilets, which are regulated through Island Health.

### **CLOSING REMARKS**

Chair Grieve provided closing remarks and asked that all written submissions be brought forward.

### **TERMINATION**

Chair Grieve called a second, third and final time for any further submissions regarding Bylaw No. 520. Hearing no speakers the Chair declared the public hearing terminated for Bylaw 520 being "Rural Comox Valley Zoning Bylaw No. 520, 2019".

Time: 7:55 pm.

Confirmed this 16th day of September 2019.

E. Grieve

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Edwin Grieve  
Chair

A. Hamir

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Arzeena Hamir  
Director

D. Arbour

---

Daniel Arbour  
Director

Certified Correct:

J. Martens

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Jake Martens  
Manager of Legislative Services

Recorded By:

A. Baldwin

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Antoinette Baldwin  
Legislative Services Assistant

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**From:** Bonnie Kozlowski  
**Sent:** Friday, May 24, 2019 7:26 AM  
**To:** Ton Trieu; Sylvia Stephens  
**Subject:** FW: The proposed bylaw to prohibit water bottling in all zones should definitely be implemented. With water restrictions so prevalent, it makes no sense to allow a water bottling facility.

6410-01 / PJ 4CV 15

**Bonnie Kozlowski**  
Branch Assistant - Corporate Services  
Comox Valley Regional District  
Tel: 250-334-6057

**From:** victoria sorensen [ ]  
**Sent:** May 24, 2019 5:09 AM  
**To:** zoningreview <[zoningreview@comoxvalleyrd.ca](mailto:zoningreview@comoxvalleyrd.ca)>  
**Subject:** The proposed bylaw to prohibit water bottling in all zones should definitely be implemented. With water restrictions so prevalent, it makes no sense to allow a water bottling facility.

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**From:** diana schroeder <>  
**Sent:** Tuesday, July 09, 2019 7:40 PM  
**To:** Ton Trieu  
**Cc:** Sylvia Stephens  
**Subject:** Re: Form submission from: Comox Valley Regional District - Planning & Development Services (2)  
**Attachments:** image006.jpg

6410-01 / PJ 4CV 15

Thank you you for your response. I'm sorry, I found out that the Airbnbs problem will be dealt with at a later date and realize that in a rural area, they do not present the same problems as they do in an urban neighbourhood. I hope you will find my questions and suggestions regarding tiny homes more pertinent.

Sincerely,  
Diana Schroeder

On Thu, Jul 4, 2019 at 4:40 PM Ton Trieu <[ttrieu@comoxvalleyrd.ca](mailto:ttrieu@comoxvalleyrd.ca)> wrote:

Hi Diana,

Thank you for your email. Please note that the CVRD Zoning Bylaw are only applicable in the electoral areas A, B and C. Short-term vacation rentals are only permitted in Tourist Commercial zones and not permitted in residential zones. In 2020, the planning department is planning a comprehensive review on vacation rental in the regional district. Please contact the City of Courtenay in regards to land use regulations and if they are planning to review vacation rental use. The CVRD and surrounding municipalities are planning to investigate housing needs in the Comox Valley. We are hoping to use the findings from the housing needs and somehow connect it to the short-term vacation rental review.

Thank you,

Ton

Ton Trieu, MCIP, RPP  
Manager of Planning Services

Planning and Development Services Branch

Comox Valley Regional District  
600 Comox Road, Courtenay, BC V9N 3P6  
Phone 250-334-6021 Fax 250-334-8156  
Toll free: 1-800-331-6007





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**From:** Comox Valley Regional District [<mailto:no-reply@cverdwebsite.ca>]  
**Sent:** Tuesday, July 02, 2019 3:21 PM  
**To:** [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca)  
**Subject:** Form submission from: Comox Valley Regional District - Planning & Development Services

Submitted on Tuesday, July 2, 2019 - 15:20

Submitted by anonymous user: 75.156.63.33

Submitted values are:

Name Diana Schroeder

Email \_\_\_\_\_

Message

Hello,

This is a duplicate of a message I already sent but I am not at all sure it went to the right address. Here is the text of the original message.

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Although I live in Courtenay, I am writing in the hope that the municipalities and the CVRD can co-ordinate their approach to regulating Airbnbs. I am concerned because I live near 5 Airbnbs in a residential neighborhood and I would like the opportunity to tell you how it effects the quality of life for residents.

When I moved here 10 years ago, the house next to me was a vacation rental and was rented on a monthly basis. I had no problem with that but it has now become an Airbnb with no full-time resident. That means that people are booking daily and weekly accommodations which means a constant stream of tourists next door, and an increase in traffic. I expect tourists to enjoy their holidays, barbecue and party but now I have to listen to it every night. I no longer have the peace and quiet that I thought a residential neighbourhood would ensure. I also do not have the safety and security of a neighbour who actually sleeps there, a neighbour I can talk to, a neighbour who can borrow a cup of sugar, etc. What's worse is that with an absentee landlord, policing of the house next door, falls to me. I am the one who has to listen to the dog barking, every word of every

drunken conversation, loud music, etc. I either have to put up with it or make a call. It's annoying that while my neighbour is allowed to run a business in a residential neighborhood, she profits at my expense.

I don't understand why the zoning regulations do not apply to Airbnbs which are, in fact, a business but do not require the owner to be in residence or to undergo inspections or licensing.

In fact, the Airbnb trend is making a mockery of Courtenay's attempt to ease the housing crisis by providing tax incentives for infill to increase density in the downtown core. Home builders and home owners are taking advantage of this by creating additional units and then renting them as Airbnbs. This will not improve the availability of rental accommodations and only serves as an incentive to encroachment by business into our residential neighborhoods. Businesses which have no licenses or permits and which are outside the zoning regulations shouldn't be permitted anywhere, especially on land that is designated single family residential.

To me the solution is rather easy. Airbnbs should have to adhere to the same bylaw as a bed and breakfasts or to the bylaw regulating vacation rentals. Existing Airbnbs could be grandfathered but preferably they would have to upgrade their status.

I am concerned not only for myself but for our sense of community well-being. In Europe, major cities have become tourist ghettos as a result of Airbnbs. Airbnbs move in and the residents move out. We need to build community and our residential neighborhoods, not destroy them.

I have another concern, maybe it's a question. Recently, I was contacted by a friend with a lovely, tiny home who is looking for a place to park her house. The restrictions on residences in the ALR preclude that possibility but there must be acreages that could accommodate a tiny home - especially if they allowed composting toilets. If not, sewer or septic would be required. Water would also be a necessity. I see a small community of tiny homes as a viable option to our housing crisis. I hope this type of accommodation will be considered when discussing zoning amendments. I would also hope that the CVRD might find some available land to help create a tiny home community. I hear there is a court ordered sale of cleared but not developed land on Arden Road. Could this be a possibility?

Thank you for reading this long winded email and I hope you will consider the concerns I have brought forward. Quality of life is important. We cannot stop our population from increasing but we can direct the type of growth we want. Nobody should have to sacrifice their neighborhood security for the sake of private business - especially when it is essentially a black market business with no restrictions.

Thanks for your consideration,

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**From:** Ton Trieu  
**Sent:** Thursday, May 23, 2019 2:08 PM  
**To:** 'Bill Wilkins'  
**Cc:** Sylvia Stephens  
**Subject:** RE: Rezoning

6410-01 / PJ 4CV 15

Hi Bill,

Thank you for your email. The regional district will proceed in zoning your property to Rural Twenty.

Thank you,  
Ton

Ton Trieu, MCIP, RPP  
Manager of Planning Services  
Planning and Development Services Branch  
Comox Valley Regional District  
600 Comox Road, Courtenay, BC V9N 3P6  
Phone 250-334-6021 Fax 250-334-8156  
Toll free: 1-800-331-6007



**From:** Bill Wilkins [ ]  
**Sent:** May 22, 2019 7:32 PM  
**To:** Ton Trieu <[ttrieu@comoxvalleyrd.ca](mailto:ttrieu@comoxvalleyrd.ca)>  
**Subject:** Rezoning

Hello Ton

My name is William Wilkins. I have property at 3639 Burns RD. I would like to add a second residence, therefore i am in full agreement with the Regional Districts decision to rezone my property from Rural ALR to Rural 20. Thank you

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**From:** Ton Trieu  
**Sent:** Thursday, May 23, 2019 2:35 PM  
**To:** 'Joan Boase'  
**Cc:** Sylvia Stephens  
**Subject:** RE: water bottling bylaw

6410-01 / PJ 4CV 15

Thank you for your email. Your email will be recorded.

Thank you,  
Ton

Ton Trieu, MCIP, RPP  
Manager of Planning Services  
Planning and Development Services Branch  
Comox Valley Regional District  
600 Comox Road, Courtenay, BC V9N 3P6  
Phone 250-334-6021 Fax 250-334-8156  
Toll free: 1-800-331-6007



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**From:** Joan Boase [redacted]  
**Sent:** May 23, 2019 10:48 AM  
**To:** zoningreview <[zoningreview@comoxvalleyrd.ca](mailto:zoningreview@comoxvalleyrd.ca)>  
**Subject:** water bottling bylaw

I wish to inform you that my family strongly supports a ban on the bottling and sale of water, in all zones.

Thank you Joan Price Boase PhD

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**From:** Ton Trieu  
**Sent:** Thursday, June 13, 2019 2:46 PM  
**To:** 'PHIL MASINI'  
**Cc:** Sylvia Stephens  
**Subject:** RE: Water extraction and sale

6410-01 / PJ 4CV 15

Hi Phil,

Thank you for your email. I will document your correspondence and relay your message to the electoral area directors. Note that the draft zoning bylaw will be prohibiting water bottling facility in all zones.

Thank you,  
Ton

Ton Trieu, MCIP, RPP  
Manager of Planning Services  
Planning and Development Services Branch  
Comox Valley Regional District  
600 Comox Road, Courtenay, BC V9N 3P6  
Phone 250-334-6021 Fax 250-334-8156  
Toll free: 1-800-331-6007



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**From:** PHIL MASINI [mailto:\_\_\_\_\_] <\_\_\_\_\_  
**Sent:** June 12, 2019 7:09 PM  
**To:** zoningreview <[zoningreview@comoxvalleyrd.ca](mailto:zoningreview@comoxvalleyrd.ca)>  
**Subject:** Water extraction and sale

Good Day Ladies and Gentlemen,

I am writing to express my opposition to the extraction, bottling, and sale of groundwater from the aquifer that provides this area with water that we all need to live. I have a broader concern for the future of water availability in general. It is well known that the water table is getting lower globally, especially in areas where water demand is high. We have companies like Nestles who are well known for drawing very large amounts of water for sale and leaving the local communities having to buy water.

I also have a more local concern for the water license that has already been issued on Sackville Road in Merville. A drilled well was allowed to operate several years ago in the immediate vicinity of the property which holds the license that is the subject of the controversy, with the result that the resident next door was left with a well run dry. If this operation is allowed to proceed there is no reason to suppose that the result will be any different, with a high probability that several shallow wells in the neighbourhood will run dry.

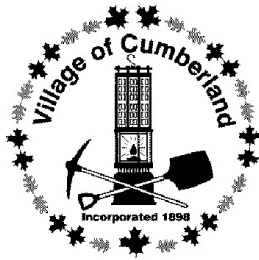
I live at the intersection of Coleman Road and North Island Highway so I too depend on this aquifer. I act as property manager for the land directly across the street from the lot with the license. That home is currently occupied by my daughter, a single mother with two children. She keeps chickens and household pets, and she has several horses. Like everyone else, she must have water. Her well is approximately 210 metres from the subject well on Mr. Mackenzies' property. If he is allowed to proceed with his plan, she will very likely be in dire straits.

We were told at one of the recent public gatherings that the appropriate government agency responsible for this issue was unaware of any wells in the neighbourhood because they are not registered. I can state that there is a well on every property in that area, registered or not, drilled or dug.

I entreat you, please act to stop the issuance of licences for the purpose of extracting groundwater for profit, and further, to prohibit the bottling or the bulk export of same to any other community or jurisdiction. I thank you for your attention.

Sincerely,  
Phil Masini

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# Corporation of the Village of Cumberland

2673 Dunsmuir Avenue  
P.O. Box 340  
Cumberland, BC V0R 1S0  
Telephone: 250-336-2291  
Fax: 250-336-2321  
cumberland.ca

August 21, 2019

Ton Trieu  
Manager of Planning  
600 Comox Road  
Courtenay, BC V9N 3P6

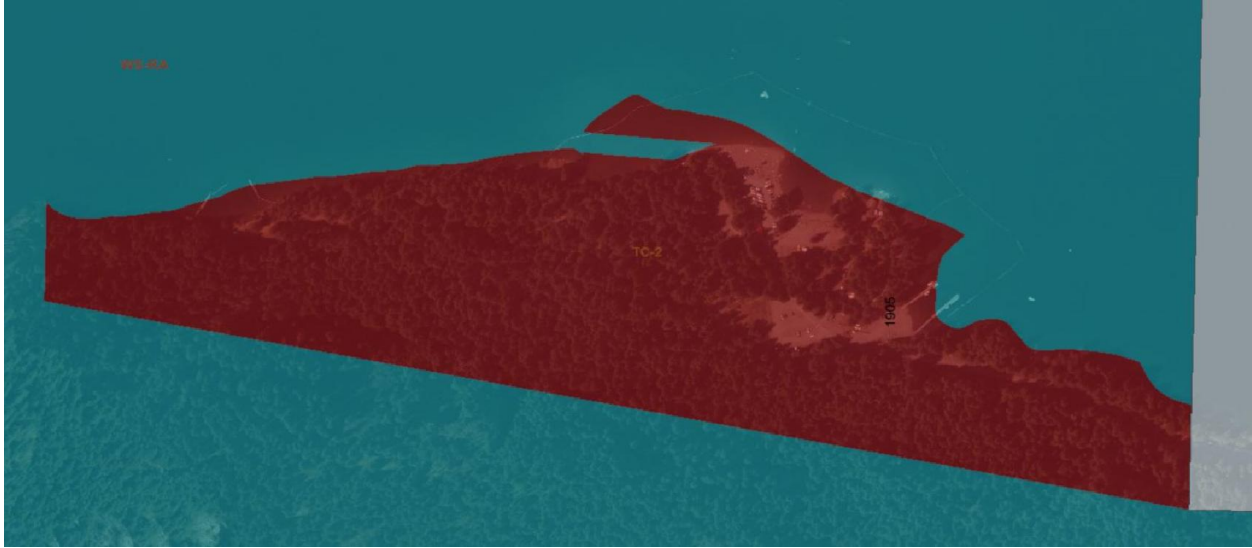
**Re: TC-2 zone boundaries at Cumberland's Lake Park, Public Hearing of Bylaw no. 520, 2019  
scheduled for August 28, 2019**

Dear Mr. Trieu,

For both the CVRD's and our records, the Village wishes to provide a correction to the CVRD's response to the Village's referral comment on Zoning Bylaw No. 520, 2019. The CVRD's response stated that:

"Based on the discussion with our Geographic Information Services (GIS) department, the TC-2 zoning polygon follows the legal property line for the Comox Lake Park, which is the land only and does not include any lake surface. To expand the TC-2 zone outside the legal property boundary, the Village of Cumberland needs to receive approval from the Province (Licence of Occupation) to place infrastructure on aquatic Crown land. A zoning amendment application would then be required to rezone the portion of the surface of the lake to TC-2 to include current and future infrastructure..."

For clarity, and as confirmed with CVRD GIS staff and discussed by phone with the Village Senior Planner, the current TC-2 zone does not correspond to the natural boundaries of the land. It also excludes a portion of the picnic area above the high water mark at the campground. In addition, the TC-2 zone includes portions of the water, such as the western portion of the bay and one of the docks. The TC-2 zone excludes the majority of the swimming area. See the map below, captured from the CVRD's on-line iMap program.



*CVRD iMap showing TC-2 zone relative to Lake Park (2018 air photo)*

As per the July 8, 2019 Village Council resolution, the Village repeats that the TC-2 zone boundaries be updated to be consistent with what exists on the ground and on the surface of the water which was the intent of the 1937 legal description when the Village acquired the area for the purposes of “a park and pleasure ground” from Canadian Western Lumber Company. That is, the updated zone should encompass the infrastructure works of Lake Park including the dock and marine use areas and the log booms that delineate the two swimming areas (the water area off the public beach as well as the water area at the group campsite).

The Village acknowledges that a licence of occupation from the Province for the recreational infrastructure on the water will be sought by staff.

We look forward to working with the CVRD on amendments to the zoning bylaw to reflect the actual use as the water levels have changed significantly since 1937.

Sincerely,

Ken Rogers  
Manager of Development Services

Karin Albert  
Senior Planner

cc. Council Reader



**From:** >

**Date:** Monday, Aug 19, 2019, 12:10 PM

**To:** Russell Dyson <[rdyson@comoxvalleyrd.ca](mailto:rdyson@comoxvalleyrd.ca)>

**Subject:** comprehensive zoning bylaw review 520

Greetings Mr. Dyson,

Please add our correspondence to the public comments.

As a water licensee, we strongly oppose the prohibition of water and beverage bottling facilities in the RD. Our proposal is supported by eight key objectives in the official community plan which has been ratified.

17(1) To encourage stewardship of the land while encouraging sustainable economic development based on the regions natural resources.

17(3) To promote and strengthen the long-term viability of renewable resource based uses in the Comox Valley.

17(13) To ensure a continued supply of land that is maintained for industrial use and to encourage the retention of existing industrial uses.

18(6) Through partnerships, explore options and mechanisms that improve access to potable water, or where feasible, reclaimed water, at a reasonable price available to the agriculture and aquaculture industries.

39(3) Permit new industrial uses through temporary use permits where it can be demonstrated that the proposed industrial use will not result in additional pressure on local servicing and infrastructure.

42(7) To direct new commercial and industrial and institutional uses requiring public servicing into the settlement nodes.

(47)1 Consider zoning amendments and temporary use permits for industrial uses such as heavy and light industrial, agriculture and aquaculture, and rural resource activities throughout the rural settlement areas.

73(20) Through partnerships, support initiatives for water collection, storage and distribution and re-use to meet the domestic needs for potable water.

We are zoned RU8 and for home industrial occupation. Under the existing bylaws, water and beverage bottling is not a prohibited use as a home industrial occupation.

Water and beverage bottling is a light industrial activity according to the current land use planning.

We are in the settlement node where other heavier industrial activities are undertaken by my neighbours.

There are three other water bottling companies operating inside the CVRD boundaries.

The CVRD as a corporation, before our right to be heard, acted willfully to hinder us in secret which is an offence under the Water Sustainability Act.

Our license was upheld by the Environmental Appeal Tribunal on its merit.

The CVRD has made a decision denying us our rights that was not based on the application presented to them.

These matters are before the Legislature and our original application is still instream.

Any changes in new zoning bylaw that affect our rights will be subject to challenge.

The previous actions of CVRD Directors and Appointed Officials that willfully called on the general public to oppose us be subject to dicipline.

We respectfully request that the CVRD Administration and Board of Directors reconsider their position and adhear to the Official Community Plan.

Sincerely,  
Christopher MacKenzie and Regula Heynck

Courtenay, BC V9N 3P6  
Fax: 250-334-4358  
250-334-6007  
comoxvalleyrd.ca



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Date: August 27, 2019  
To: **Comox Valley Regional District**  
From: **(Optional)**  
Name (Please print): Klayne Leaky  
Street Address: 1532 Highridge Dr. Comox  
Tel/Email: \_\_\_\_\_  
Re: **Bylaw No.** 520

**My comments/concerns are:**

- I do support this bylaw.
- I do support this bylaw, subject to the conditions listed below.
- I do not support this bylaw.

See attached comments.

\_\_\_\_\_

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\_\_\_\_\_

Comox Valley Regional District  
**RECEIVED**  
File: 6410-01/PJ4CV15  
AUG 28 2019  
To: Leg. Serv.  
cc: T. Trieu.  
e 9:38am  
ST

August 27, 2019

Comox Valley Regional District  
Planning and Development Services Branch  
600 Comox Rd  
Courtenay BC V9N 3P6

RE: Bylaw No. 520,2019

Comox Valley Zoning By-Law 520, 2019 should consider reinstating the former CR-1 Zoning, as a viable re-zoning option in the land development process. This rural zone provided 1, 2, and 5 acre desirable country living acreages.

By-Law No.200, Comox Valley Zoning By-Law, 2005, amendment No. 54 along with By-Law 208, Rural Comox Valley O.C.P Bylaw 1998 amendment No. 44 were established hastily. When the above two bylaws were adopted, the O.C.P and Zoning bylaws were to be consistent with minimum lot area requirements for subdivisions in settlement expansion areas and new development, pursuant to the Comox Valley Regional Growth Strategy By-Law 120, 2010.

The remaining CR-1 Zoned properties are carrying on well, and a revitalized re-zoning as mentioned above would serve future rural country living well.

Thank you,

Wayne Leakey



Roy Leakey



August 28<sup>th</sup>, 2019

Alana Mullaly  
Comox Valley Regional District  
600 Comox Road  
Courtenay, BC V9N 3P6

**Re: Public Hearing for Rural Comox Valley Zoning Bylaw, No. 520, 2019**

Thank you for the opportunity to provide input into proposed Zoning Bylaw No. 520, 2019. We have reviewed the proposed amendments and would like to express our concern with the changes specifically targeted to remove 'Residential Use' from the Upland Resource (UR) and Water Supply and Resource Area (WS-RA) Zones.

Under the current zoning bylaw, 'Residential Use' is permitted outright on any Upland Resource (UR) or Water Supply and Resource Area (WS-RA) zoned property. The proposed zoning amendments will remove 'Residential Use' as an outright Permitted Use and allow it only as an "Accessory Use", subject to evidence/witness of other Permitted Uses being actively performed on the lands.

We believe that adoption of these bylaw amendments will have unforeseen indirect impacts that have not been fully evaluated, the consequences of which will impact the viability of the resource based operations that these changes are intending to preserve. Moreover, the changes create an ambiguous approval system for property owners seeking to construct a residence on their lands.

*Approval Framework Unclear*

Upon making 'Residential' an Accessory Use, a property owner will need to demonstrate to the CVRD that a principle permitted use is actively being operated on the lands prior to receiving permission to construct a home. However, the proposed bylaw does not provide clear, measurable or objective criteria that distinguishes how the CVRD will determine if or when a Principal Use is being performed on the land, and in turn when an accessory Residential Use is permitted.

For example, is growing trees evidence of Silviculture? If so, how many trees must be growing? How long must they be growing for? Is excavating material on a lot evidence of gravel extraction? Moreover, how long must these activities be operating to qualify for a building permit to construct a residence? If the activity ceases after a home is constructed, is the property now non-conforming? If so, what are the impacts to property owners with houses that are interested in resale of their lands?

Without clear measurable criteria, issuance of a building permit to construct a home as an accessory use is completely subjective and at the discretion of Staff interpretation. This subjectivity creates significant confusion for land owners seeking approvals and can lead to disputes between property owners and the Regional District.

### *Financial Impacts*

Amending the Bylaw to make 'Residential Use' Accessory is an indirect form of 'Down-Zoning' and significantly impacts the underlying value of all UR and WS-RA zoned lands in the Regional District. Properties that were previously valued based on their right to construct a home as a Permitted Use will now be assessed lower. Furthermore, securing a residential mortgage against a UR or WS-RA zoned property will become increasingly difficult as financial institutions will be hesitant to lend on a property where 'Residential Use' is only listed as an Accessory Use.

This zoning change directly impacts the financial investments made by owners that have purchased UR or WS-RA zoned lands based on Permitted Uses of the current zoning, and will act as a disincentive for future investment in Resource Lands.

To summarise, we believe the following questions need to be addressed to ensure private landowners do not see their property values decrease and ensure a transparent building permit approval process:

- How many individual parcels of land and owners are in the UR or WS-RA Zone?
- What evidence or measurable criteria must be proven to allow construction of a residence?
- How will CVRD Staff ensure a transparent and clear approval process where interpretations of definitions are subjective?
- How many UR and WS-RA Zoned parcels already have residences constructed?
  - Will these properties become non-conforming if a Permitted Use is no longer occurring on the lands?
  - What impact will this zoning change have on property values?
- How will this change in zoning impact an individual who has purchased with the intent of building based on allowances of current zoning?
- Why is building a home on UR or WS-RA zoned property different than on agricultural land? In both cases, the ability to constructed a home should be treated the same.

In light of the impacts described above and unanswered questions impacting property owners of UR and WS-RA zoned lands, we request that the Zoning Bylaw Amendments not be passed and that 'Residential Use' remain an outright permitted use within both the UR and WS-RA zones.

Please feel free to contact the undersigned should you have any questions.

Best Regards,

---

Jason Carvalho, MCIP, RPP  
Manager, Planning  
Couverdon Real Estate

Ton Trieu, MCIP, RPP  
Manager of Planning Services Planning and Development Services Branch  
Comox Valley Regional District  
600 Comox Road, Courtenay, BC  
V9N 3P6

August 28, 2019

**Re: CVRD Proposed Bylaw 520**

Ton,

As discussed during our phone meeting last week, the Private Forest Landowners Association (PFLA) is concerned with several areas of proposed Bylaw 520, 2019 in relationship to the Managed Forest program (BC Assessment Class 7 lands), the issue of paramountcy and the lack of clarity on the interpretation of “silviculture” activities. The PFLA represents over 280 Managed Forest Landowners in BC with several owners located in lands outlined in the bylaw areas.

During a time of pronounced uncertainty in the coastal forest sector, our organization is a strong proponent of having forested landowners bring lands into the Managed Forest Class 7 program for long term forestry management. We appreciate that the Comox Valley Regional District Board of Directors is also interested in maintaining the integrity of resource lands. as outlined in the Comprehensive Rural Zoning Bylaw Review document dated June 29, 2018. We understand the regional growth strategies are implemented partially by an Official Community Plan (OCP) and partially by the proposed updated zoning bylaws. We are aware the OCP policies ‘require immediate implementation to include the need to support resource development in the resources designation zones by permitting residential use as an accessory use only (limited to one sing[l]e detached dwelling)’ (Policy 63.2). Unfortunately, our organization cannot support the proposed Bylaw 520 as written.

As forest managers, the definition of silviculture is considered a subset of forestry management that relates to controlling and managing forest growth, health and composition of forests. This generally does not include the harvesting of timber other than for abiotic and biotic impacts: salvage and other forest health effects (spacing, windthrow and diseased tree removal). We are not clear on why proposed Bylaw 520 states silviculture “means all activities related to the development and care of forests, including forestry field training and the removal of harvestable timber stocks, but does



not include the processing of wood or wood products.” Managed forest owners conduct all forestry management activities including silviculture, harvesting timber stocks and processing of wood products. As forest professionals we are concerned about how “silviculture” activities may be out of step with activities inside the managed forest program and be determined for those outside the program (ie. what quality of “development and care of forests, how much timber must be harvested and/or how much field training must occur to constitute adequate “silviculture” levels? And who determines this quantification?).

We would hope that paramountcy should prevail between changes to the UR Zone and Section 21 of the *Private Managed Forest Land Act*, and Section 1(2) of the *Private Managed Forest Land Regulation*. However currently there is concern around the potential conflict regarding dwellings on Section 21(1)(a) of the PMFL Act in relationship to a bylaw that may restrict a permitted “forest management activity”. Section 1(2) of the PMFL Reg defines a “forest management activity” as including “one dwelling per registered parcel unless additional dwellings are permitted under applicable local bylaws”. The proposed amendments to the UR Zone, may restricts “forest management activity” of constructing “one dwelling per registered parcel” by designating a “single detached dwelling” as an “accessory use” of any lot, rather than a “principal use”. We worry that this will erode the managed forest program by causing absentee ownership for those potentially entering or currently in the program and wishing to reside on the property for hands on management of forestry lands.

The PFLA believes proposed bylaw 520 cannot be passed as is as it may create ambiguity in relationship to paramountcy of the PMFLA which includes forestry activities and principal dwellings. As forest managers, are also concerned about interpretation of “silviculture” activities on the outlined lands and the lack of defined process on how these “silviculture” activities will be determined and considered.

We look forward to discussing further at the public hearing on August 28<sup>th</sup>.

Sincerely,



Megan Hanacek, RPF, RPBio  
CEO  
Private Forest Landowners Association

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Date:

To: Comox Valley Regional District

From: (Optional)  
Name (Please print): GRAVIT GORDON

Street Address: AREA C

Tel/Email: \_\_\_\_\_

Re: Bylaw No. 520

Comox Valley Regional District  
RECEIVED  
AUG 28 2019

My comments/concerns are:

- I do support this bylaw.
- I do support this bylaw, subject to the conditions listed below.
- I do not support this bylaw.

File:

- Rural Kitchens ARE very important
- STOPPING People From Living in R.U.s, Buses & Sub Standard Shelters VS Living in Tents By Sewage Treatment Plants.
- Sealing Bylaws By Area is important, what we can't do on A 1/3 of Area would be quite acceptable on larger lots.
- IF you want to control parking on roads control that NOT Restricting # of Employees Allowed in a Home Based Business.
- I Support the Elimination of new water bottling for Private Enterprises

2URD  
Rural zoning Bylaws Public  
Hello

Aug 28/19

082

Unintended consequences  
Potchmans law  
We were young. However  
Poke houses, MILK STEAKS  
Dugouts, Bams, Lean To's  
Buses.

Comox Valley Regional District  
RECEIVED  
AUG 28 2019

NO money but  
100's of \$'s

File:

Got Jobs, Built Houses  
Raised Families  
Contributors to our Communities

For Forest with the  
Building inspectors & the  
Bylaw Enforcement officers  
& The Board Listened.

100(2)

Cost of Regulation make  
Living Costs High.

People need Help.  
Many are Depressed  
Many Have NO Hope  
Many Have LITTLE chance

They need A place To Live For  
This Bylaw Restricts  
Peoples Ability To Survive  
Long enough to get a leg up.

I chose option 2  
Support w/ Reservations  
NO Additional  
of Commercial Bottling  
of Soda Canners  
Water Sources Through The  
Zoning Bylaw Reviews.

Different Times  
more Homeless  
Higher Costs  
more Regulation

New Rules for New Times.

Regulation Has Reduced  
People To Living in  
Tents by Sewage TREATMENT  
STATIONS.

NO matter what UHA says  
A Shed, Garage, ~~AND~~ RV  
or A Bus in A Rural Area  
is way Healthier

Abolishing  
Kitchens will make it  
Harder To Survive, Can Food.  
Live Cheaper.

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**Date:**

**To: Comox Valley Regional District**

**From: (Optional)**

**Name (Please print):** Nicole Poirier

**Street Address:** 2470 Sackville Road

**Tel/Email:** 778-918-2374

**Re: Bylaw No.** 520

Comox Valley Regional District  
RECEIVED

AUG 28 2019

**My comments/concerns are:**

- I **do** support this bylaw. File:
- I **do** support this bylaw, subject to the conditions listed below.
- I **do not** support this bylaw.

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Date: Aug 28, 2019

To: **Comox Valley Regional District**

From: **(Optional)**

Name (Please print): Bruce Gibbons

Street Address: 2470 Sackville Road, Merville

Tel/Email: \_\_\_\_\_

Re: **Bylaw No. 520, 2019**

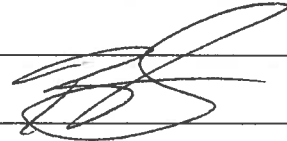
Comox Valley Regional District  
RECEIVED

AUG 28 2019

My comments/concerns are:

- I **do** support this bylaw. File:
- I **do** support this bylaw, subject to the conditions listed below.
- I **do not** support this bylaw.

I am particularly supportive of the  
change making water bottling  
a non-permitted use in all zones.



600 Comox Road, Courtenay, BC V9N 3P6  
 Tel: 250-334-6000 Fax: 250-334-4358  
 Toll free: 1-800-331-6007  
 www.comoxvalleyrd.ca



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Date:

To: Comox Valley Regional District

From: (Optional)  
 Name (Please print): ROW GAUCHER  
 Street Address: 6529 RENNIE RD.  
 Tel/Email: gaucherr@shaw.ca

Re: Bylaw No. \_\_\_\_\_

My comments/concerns are:

Comox Valley Regional District  
 RECEIVED

- I do support this bylaw.
- I do support this bylaw, subject to the conditions listed below.
- I do not support this bylaw.

AUG 28 2019

File:

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Date: 28 AUGUST 2019

To: Comox Valley Regional District

From: (Optional)

Name (Please print): GORDON ROBERTSON

Street Address: 919A 2nd ST, COURTENAY V9N 1C2

Tel/Email: agrobertson@telus.net

Re: Bylaw No. 520

Comox Valley Regional District  
RECEIVED

AUG 28 2019

My comments/concerns are:

- I do support this bylaw.
- I do support this bylaw, subject to the conditions listed below. File:
- I do not support this bylaw.

I HAVE COME TO THIS PUBLIC HEARING TO  
INDICATE THAT I <sup>STRONGLY</sup> SUPPORT PROHIBITING  
SELLING AQUIFER (GROUNDWATER) WATER AS  
BOTTLED WATER.



August 28, 2019

Comox Valley Regional District  
550B Comox Road, Courtenay

Re: Public Hearing - Comox Valley Zoning Bylaw No. 520, 2019

We support and commend the proposed changes to this bylaw to prohibit a water and beverage bottling facility within the CVRD. In the face of changing environmental conditions all over the world, this is an ecologically responsible reflection of both the local and international concerns of scientists and citizens about water shortages due to climate change and the over-drawing of groundwater.

The health of all of our Comox Valley waterways and their dependent wildlife requires plentiful water, and protecting our ground and surface water from overuse is a sound planning tool.

Thank you for your attention to our concerns.

Sincerely yours,



Frank and Gillian Anderson

2561 Sackville Road  
PO Box 307  
Merville, B.C. V0R 2M0

778-428-5560

Comox Valley Regional District  
RECEIVED

AUG 28 2019

File:

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**Date:**

**To:** Comox Valley Regional District

**From:** (Optional)

**Name** (Please print): Jane Farquhar

**Street Address:** Merville

**Tel/Email:** \_\_\_\_\_

Comox Valley Regional District  
RECEIVED

**Re:** Bylaw No. 520-2019

AUG 28 2019

**My comments/concerns are:**

**File:**

- I do support this bylaw.  
 I do support this bylaw, subject to the conditions listed below.  
 I do not support this bylaw.

We support the bylaw the CURD is to pass  
regarding to prohibit the bottling of ground  
water.

We applaud the CURD taking this issue  
with the seriousness it has deserved. Through a process  
which started for us in February 2018 when it came  
to our attention our neighbour proposed to utilize a  
water bottling permit that had been issued by the  
provincial gov't. the year before. While at first it appeared  
the province could approve this activity, as the process  
moved forward there was significant details local  
gov't could take control of. This has been a long drawn  
out event for all concerned. We feel our local

representatives have been forward thinking  
; have shown our provincial gov't that a few  
vague charts of ~~static~~ statistics regarding our  
aquifer is not enough to permit commercial sale  
of ground water. As we move ahead dealing  
with aspects of climate change, <sup>we are</sup> needing to have  
a social conscience as well as gathering hard data.

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**Date:**

**To:** Comox Valley Regional District

**From:** (Optional)

Name (Please print): JANET FAIRBANKS

Street Address: 6929 RAILWAY AVE. COURTENAY

Tel/Email: \_\_\_\_\_

**Re:** Bylaw No. 520

**My comments/concerns are:**

- I do support this bylaw.
- I do support this bylaw, subject to the conditions listed below.
- I do not support this bylaw.

I SUPPORT 302 SECTION 2 IX, THE PROHIBITION OF WATER BOTTLING FACILITIES.

I DO NOT SUPPORT 304.1 LIMITING THE NUMBER OF CHICKENS TO ONLY 6. THAT # IS TOO LOW.

Comox Valley Regional District  
RECEIVED

AUG 28 2019

File: \_\_\_\_\_

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Date: Aug. 28 2019.

To: Comox Valley Regional District

From: (Optional)

Name (Please print): Diane Bostock

Street Address: Area C.

Tel/Email: \_\_\_\_\_

Re: Bylaw No. \_\_\_\_\_

Comox Valley Regional District  
RECEIVED

AUG 28 2019

My comments/concerns are:

- I do support this bylaw. File:  
 I do support this bylaw, subject to the conditions listed below.  
 I do not support this bylaw.

re: 312 - \$5,000 + an onsite sewage disposal system to live on one's own land while building may limit people (even further) from getting 'landed'. IMO some people remain in jobs that are destructive. (ie fish farms!) in order to afford the multiple & proliferating costs. Encourage diversity of backgrounds in order to avoid a mono culture of only rich people here please.

re: 309 <sup>accessory?</sup> No kitchens in out buildings! Please re work your definition of 'kitchens' to ~~continue~~ <sup>needed</sup> to allow the myriad variations of parts of kitchens to allow studios, work-shops, tea facilities, fridges in greenhouses, stoves for crafts... to continue!

Re: Water bottling - I am also 100% against water being bottled and sold for profit! (except for local community use when in need, ie wells drying or polluted as in purchasing the service of providing water [not the water itself] from Water Pure & Simple in these cases and also in 5 gal bottles for events where tap water is insufficient or unavailable. Please, in this time of climate crisis exercise precautionary principles to preserve the resources for <sup>our present</sup> local communities, families, agriculture and for those to come.

wildlife

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**Date:**

**To:** Comox Valley Regional District

**From:** (Optional)

Name (Please print):

Fred Muzin

Street Address:

1031 16th St. Courtenay V9N 1X8

Tel/Email:

FMUZIN@TELUS.NET

**Re:**

Bylaw No. 520

Comox Valley Regional District  
REC

AUG 28 2019

**My comments/concerns are:**



I do support this bylaw.



I do support this bylaw, subject to the conditions listed below. **File:**



I do not support this bylaw.

I AM OPPOSED TO WATER BOTTLING  
& SUPPORT THE BY-LAW.

THE ROLE OF GOVERNMENT/ELECTED OFFICIALS  
IS TO RESTRICT UNFETTERED CAPITALISM  
AND DEFEND & PROTECT THE PUBLIC COMMONS.  
OUR WATER IS A PUBLIC TRUST & SHOULD  
NOT BE UTILIZED FOR PERSONAL/CORPORATE PROFIT  
WHY SPEND \$120M FOR AN IMPROVED WATER  
SYSTEM (PUBLIC FUNDS) TO JUST TURN IT OVER  
FOR PROFIT.



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Date:

To: Comox Valley Regional District

From: (Optional)

Name (Please print): Sally Gellard

Street Address: 6930 Railway Ave Courtenay

Tel/Email: sallygel2@gmail.com

Re: Bylaw No. 520 2019

My comments/concerns are:

Comox Valley Regional District  
RECEIVED

AUG 28 2019

File:

I do support this bylaw.

I do support this bylaw, subject to the conditions listed below.

I do not support this bylaw.

Water is a public resource & a precious common value - It should not be bottled & sold for commercial sale. We need to protect our groundwater by assessing this resource and recognizing this value for future generations.

\* Please support people who need temporary housing - and who live choose to live in CV and in Tiny Houses or R.V.s

Outdoor kitchens need review -

I support outdoor kitchens.